

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BAUSCH & LOMB INCORPORATED,

Plaintiff,

v.

LEXINGTON INSURANCE COMPANY,

Defendant.

SCHEDULING ORDER

08-CV-6260T

Pursuant to the order of the Hon. Michael A. Telesca, United States District Judge, referring the above case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Fed. R. Civ. P. Rule 16(b) and Local Rule 16.1(a), and a conference having been held on July 1, 2011 with counsel relative to the matter, it is ORDERED that:

1. Initial demands for discovery and inspection of documents shall be served by all parties on or before **August 1, 2011**.
2. Initial interrogatories, if any, may be served by all parties on or before **August 1, 2011**.
3. The parties shall agree on a deposition schedule and provide a copy of such scheduled to the Court by no later than **September 12, 2011**.
4. All motions to compel factual discovery shall be filed on or before **September 16, 2011**.

5. All factual discovery in this case, including depositions, shall be completed on or before **December 9, 2011**.

6. Electronic documents shall be produced, as far as reasonably possible, as Single page Group IV TIFF images with OCR text.

7. All parties shall serve expert witness statements and reports regarding issues on which they intend to rely on expert testimony on or before **December 23, 2011**.

8. All parties shall serve rebuttal expert witness statements and reports on or before **January 13, 2012**.

9. All expert discovery, including depositions, shall be completed on or before **January 27, 2012**.

10. Dispositive motions, if any, shall be filed no later than **February 17, 2012**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Telesca.

11. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(d) and Local Rule 16.1(f) will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a

letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

IT IS SO ORDERED.



MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
July 7, 2011